

Serial No.: 10/003,938
Attorney Docket No.: 10007153-1

REMARKS

The above-identified Office Action dated July 2, 2003 contained a final rejection of claims 1-20. The foregoing amendments to the specification and the remarks below are intended to place the case in condition for allowance, or alternately in better form for consideration on appeal under 37 CFR 1.116. Therefore, it is respectfully requested that the amendments to the specification be entered despite the finality of the present rejection. Claims 1-20 remain in the case.

Record is made of a telephonic interview between Applicants' attorney Edmond A. DeFrank and Examiner Judy Nguyen on September 12, 2003. The specification, drawings and pending claims were discussed. The outstanding objections and rejections to the drawings, specification and claims were discussed and an amendment modifying the specification was proposed during the interview. The below remarks formally reflect the arguments made by the Applicants' attorney Edmond DeFrank during the interview in response to all of the objections and rejections made in the Final Office Action.

The Office Action disapproved the drawing filed on April 14, 2003 and alleged that new matter was introduced. The Examiner made reference to specific elements of FIG. 4B that were objected to in the disapproval, each of which will be addressed separately below.

First, the Examiner stated that the original disclosure did not support the showing of a film circuit 401 and power 430 as illustrated in the newly added Figure 4B.

The Applicants respectfully traverse this allegation and submit that throughout the original disclosure the Applicants refer to a substrate with "...thin film circuitry with a power bus and a control or FET..." and that the "...thin film circuitry includes a metal stack comprised of a first metal layer and a second metal layer..." as shown as element 401 in FIG. 4B (page 2, lines 25-31, page 4, lines 1-2, page 7, lines 29-31 and on page 8, lines 1-7). Also, the specification has been amended to associate power 430 with power source 130 so that it is consistent with the original description on page 5, lines 1-6.

Next, the Examiner stated that new Figure 4B added new matter by eliminating the "other layer 411" from Figure 4B.

The Applicants respectfully traverse this allegation and submit that the "other layer 411" has not been eliminated from the case because it is still shown in FIG. 4A and still described in the specification on page 8, lines 6-7. All of the elements of one figure need not be shown in all of the other figures. As such, the elimination of the "other layer 411" element

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from FIG. 4B was done for simplicity and not to substantively remove the element entirely from the case, which complies with 35 USC § 113, 37 CFR § 1.81 and MPEP Section 608.02.

Last, the Examiner stated that new Figure 4B does not describe the separation barrier 408, resistor 112 and via 406 of Figure 4A.

The Applicants respectfully traverse this allegation and submit that the separation barrier 408 is depicted in new FIG. 4B in a manner that is consistent with original FIG. 4A. For example, separation barrier 408 is shown in both figures as a bottom portion of metal layer 407 (shown with dotted lines) below power via 406, adjacent to substrate 409 and above metal layer 402. With regard to resistor 112, FIG. 4A uses an arrow to depict an area of the second metal layer 404 above the substrate 409 and near the top metal layer 400, which is similarly shown in FIG. 4B with dotted lines. With regard to power via 406, FIG. 4A uses an arrow to depict an area near an indented portion of the top metal layer 400, bottom metal layer 407 and separation barrier 408. Also, the original disclosure states "...[T]he second metal layer 404 is conformed with plural vias 406...and includes a top conductive metal 400 and metal 407, which at one portion is the resistor 112 and at another portion is a separation barrier 408." This is shown in general in FIG. 4A and in detail in FIG. 4B as dotted lines being a part of metal layer 404, separation barrier 408 and a portion of top conductive metal 400 and metal 407, which is consistent with the original description.

The Office Action objected to the amendment filed on April 14, 2003 as allegedly introducing new matter. Specifically, the Examiner objected to the addition of "...the metal 400 which can be Aluminum; resistor 112 is defined by a portion of the top conductive metal 400 and bottom metal barrier 407; the separation barrier 408 is defined by a bottom portion of the power via 406 that is adjacent to the first metal layer 402; and power source 430, which derives power from the power bus 128."

The Applicants respectfully traverse this allegation. First, with regard to the objection of the language added to the specification for the separation barrier 408, the Applicants submit that, as argued above, the separation barrier 408 is clearly disclosed in the original specification and FIG. 4A as a bottom portion of metal layer 407 (shown with dotted lines) below power via 406, adjacent to substrate 409 and metal layer 402. Next, with regard to the objection of the language added to the specification for metal 400, resistor 112 and power source 430, the Applicants have amended the specification on page to more clearly define

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these elements. This is accomplished with the amendment which deletes the previously added sentence that the metal 400 can be Aluminum, deletes the previously added sentence regarding resistor 112 and revises the previously added sentence to include originally disclosed power source 130 instead of power source 430.

In addition, to fulfill the request of the Examiner during the interview, the Applicants have amended the specification to include a new paragraph on page 8 that is consistent with the originally filed specification, drawings and claims. No new matter has been added.

The Office Action rejected claims 1-20 under 35 U.S.C. § 112, first paragraph and referred to the objections and rejections of the specification and drawings when it rejected claims 1-20.

The Applicants respectfully traverse this rejection because the claims are directed to portions of the specification and drawings that do not contain new matter, as argued above.

As the foregoing amendments to the specification do not raise new issues, it is the Applicants position that they are entitled to have the changes entered to place this case in condition for allowance, or alternately, in better condition for consideration on appeal under 37 CFR 1.116. It is, therefore, respectfully requested that the changes to the claims be entered despite the finality of the present rejection.

Thus, it is respectfully requested that claims 1-20 be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 1-20 and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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Respectfully submitted,
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